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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/855,828
		Filing Date	May 14, 2001
		First Named Inventor	Creech, Christopher D.
		Art Unit	1645
		Examiner Name	Not yet assigned
Total Number of Pages in This Submission		Attorney Docket Number	018512-006010US

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form x2 <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Petition for Revival of Unintentionally Abandoned Application Pursuant to 37 CFR 1.137(b) <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input checked="" type="checkbox"/> Extension of Time Request x2 <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input checked="" type="checkbox"/> CD, Number of CD(s) 1	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): copy of Notice of Abandonment; copy of Notice to File Missing Parts; supplemental ADS; Declaration (2 pages); Letter to Official Draftsperson w/9 sheets formal drawings; Communication Under 37 CFR 1.821-1.825 and Preliminary Amendment; paper sequence listing (16 pages); Return Postcard
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual	Townsend and Townsend and Crew LLP Annette S. Parent Reg. No. 42,058	
Signature	<i>Annette S. Parent</i>	
Date	12/18/03	

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Karen Karlin		
Signature	<i>Karen Karlin</i>	Date	12-18-03

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PTO/SB/17 (10-03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1735

Complete if Known

Application Number 09/855,828
 Filing Date May 14, 2001
 First Named Inventor Creech, Christopher D.
 Examiner Name Not yet assigned
 Art Unit 1645
 Attorney Docket No. 018512-006010US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	<input type="text"/>	<input type="text"/>	<input type="text"/>
Independent Claims	<input type="text"/>	<input type="text"/>	<input type="text"/>
Multiple Dependent	<input type="text"/>	<input type="text"/>	<input type="text"/>

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	1005
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	665
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Petitions related to provisional applications	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)1735

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Annette S. Parent Registration No. (Attorney/Agent) 42,058 Telephone 415-576-0200

Signature

Annette S. Parent

Date

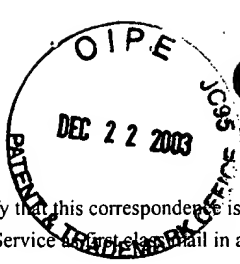
12/18/03

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
Attorney Docket No.: 018512-006010US

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 12-18-03

TOWNSEND and TOWNSEND and CREW LLP

By: Karen Karlin

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

CREECH and JEGLA

Application No.: 09/855,828

Filed: May 14, 2001

For: CNG3B: A NOVEL CYCLIC
NUCLEOTIDE-GATED CATION
CHANNEL

Customer No.: 20350

Confirmation No. 9660

Examiner: Not yet assigned

Technology Center/Art Unit: 1645

PETITION FOR REVIVAL OF
UNINTENTIONALLY ABANDONED
APPLICATION PURSUANT TO 37 CFR
§1.137(b)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A petition is hereby made, pursuant to 37 CFR §1.137(b), for revival of the above-identified patent application, which has been unintentionally abandoned due to a delay in replying to a Notice to File Missing Parts of Nonprovisional Application. The following items are enclosed as required by 37 CFR §1.137(b) for reviving the application: a response (including the missing oath or declaration) to the Notice to File Missing Parts and a fee transmittal authorizing payment of the fees for petition to revive the application as well as for petition to extend time to respond to the Notice to File Missing Parts for five months.

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Appl. No. 09/855,828

PATENT

Petition to revive dated December 16, 2003

In Response to Notice of Abandonment of October 29, 2003

A Notice to File Missing Parts of Nonprovisional Application was mailed on July 13, 2001, in the above-identified application. The final due date for responding to the Notice, including a five-month time extension, was February 13, 2002. The entire delay in filing the reply to the Notice to File Missing Parts from the due date to the filing of the present petition is unintentional.

Applicants respectfully petition to revive the application as unintentionally abandoned. Further, Applicants authorize payment of the petition fee for revival, the petition fee for five months time extension to respond, pursuant to 37 CFR §1.17(m), and the late filing fee for filing missing parts, pursuant to 37 CFR §1.16(e), in the amount of \$665, \$1005, and \$65, respectively, for a small entity from Deposit Account No. 20-1430 of the undersigned. Please charge any additional fees or credit overpayment to the same deposit account.

If a telephone conference would expedite consideration of this matter, the Examiner is invited to telephone the undersigned at (415) 576-0200.

Respectfully submitted,



Annette S. Parent

Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, Eighth Floor

San Francisco, California 94111-3834

Tel: 415-576-0200

Fax: 415-576-0300

Attachments

ASP:cg

60103505 v1